UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,640	12/28/2004	Sorin Georgescu	P16582-US1	9143

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ERICSSON INC.
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EXAMINER
COLUCCI, MICHAEL C

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	10/519,640	GEORGESCU, SORIN
	Examiner	**Art Unit**	
	MICHAEL C. COLUCCI	2626	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>21 April 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Richemond Dorvil/
Supervisory Patent Examiner, Art Unit 2626

Continuation of 11. does NOT place the application in condition for allowance because:

In response to claim 28 arguments, Suryanarayana, Lalitha, USPGPUB 20030112791 (herein after Lalitha) teaches a WAP proxy that acts as a voice XML function in order traverse VXML web pages, text to speech conversion, and speech recognition ([0076]). Lalitha also teaches that it is well known to use APPEL, wherein using this rules-based language, a user can express his or her preferences in a set of preference-rules called a rule set. The rule set is then used by a software agent to make automated or semi-automated decisions regarding the acceptability of machine-readable privacy policies from P3P enabled Web sites ([0006]). Additionally, Lalitha teaches that a user agent processes the policy and may need to retrieve the natural language version based on the preferences or a user action (e.g., key depression, voice command). If so, the user agent requests the natural language version of the policy by issuing a HTTP command such as "Get Natural Language Policy <discuri>"(311) ([0047] & Fig. 1). This user action demonstrates the ability of a user to request information in the form of a voice command in place of a keyboard, wherein voice browsing can be implemented to view/listen to audio content.

Kredo et al, US 6816578 B1 (herein after Kredo) also teaches predefined grammar in combination during an IM session, wherein answers are used to define and limit the voice recognition grammar for processing the telephony user's response. Predefining the grammar for responses increases the effectiveness of the speech recognition system and the integrity of the IM session. Further, voice commands may be predefined to facilitate better control of the IM session as well as provide more effective communications (Kredo Col. 1 lines 49-63). Though, the voice commands are disclosed for the purposes of an IM session, Kredo also teaches that an audio browser 28 provides text converted from audio to the IM proxy server 26 in the form of requests for web pages, and the responding web pages may include the text to convert and send to the mobile terminal 20 in an audible format. The VoiceXML pages will also include sufficient instructions to have the audio browser 28 convert incoming audio and request subsequent pages to facilitate ongoing IM. The call dialog provided in the VoiceXML pages may facilitate numerous iterations, instructions, and commands to effectively control the audio browser 28 and the connection with the mobile terminal 20 (Kredo Col. 5 lines 15-25).

Additionally, Kredo teaches that IM messages are typically short, abbreviated strings of text capable of conveying a certain meaning, and preferably associated with characteristics of the sender of the message. These characteristics often relate to the emotional state or personality of the sender, as well as any particular emphasis associated with a given message. Thus, an important aspect of IM is the ability to effectively communicate these characteristics. Unfortunately, existing speech recognition systems are not capable of conveying these characteristics. Further, speech recognition technology remains an imperfect technology, and has proven difficult to effectively translate real-time speech-to-text and vice versa. However, speech recognition technology is effective and reliable in recognizing pre-defined words and phrases permitting the formation of a limited vocabulary or language (Kredo Col. 5 lines 26-40).

Both Lalitha and Kredo demonstrate VXML browsing. The "IM session" Kredo introduces does not function in the manner that an IM session typically functions. Instead, Kredo demonstrates a pre-defined grammar for voice recognition for use with a mobile terminal, wherein web pages can be browsed through the use of the IM session for web-generated interaction.

The combined teaching of Lalitha and Kredo create an obvious combination for the purposes of voice browsing using rules/grammar, wherein voice commands are used to browse web content and text can be translated to audio for the user. Kredo cures the deficiencies of Lalitha by introduced an "IM session" to allow for the translation of real time speech and utilization of recognizing pre-defined words and/or phrases for the purposes of creating a specific vocabulary and/or language.